

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

| | | |
|---------------------------------------|---|-----------------------|
| In re: Testosterone Replacement |) | MDL No. 2545 |
| Therapy Products Liability Litigation |) | Case No. 1:14-cv-1748 |
| ----- |) | |
| This document relates to: |) | |
| |) | |
| Pete S. Campbell, et al., |) | |
| Plaintiffs, |) | Case No: 1:16-cv-1225 |
| |) | |
| v. |) | |
| |) | Judge Kennelly |
| AbbVie Inc., et al., |) | |
| Defendants. |) | |

**AMENDED
CASE MANAGEMENT ORDER NO. 28-B
(Multiple-plaintiff action Campbell v. AbbVie, No. 1:16-cv-1225)**

The Court directs the Clerk to assign each plaintiff in Case No. 1:16-cv-1225 a separate docket number and to link each such case to MDL No. 2545, Case No. 1:14-cv-1748, as more fully described below. Once that is done, Case No. 1:16-cv-1225 is to be closed. Each plaintiff is given 28 days from today's date to file a Short Form Complaint under the new docket number for the plaintiff's case, as more fully described below. No filing fee will be due.

STATEMENT

The Court has considered the plaintiffs' submissions regarding the *Mashburn* case (Case No. 1:15-cv-10770) and the *Campbell* case (Case No. 1:16-cv-1225). Both of these are multiple-plaintiff cases that were filed in California state court. They were removed to federal court and then were transferred to this Court as part of MDL No. 2545. At the 1/14/2016 case management conference and via a subsequent minute order, the Court directed counsel to file a joint status report regarding how these cases should be handled administratively. A report was filed stating that plaintiffs' counsel in the *Mashburn* and *Campbell* cases agreed to file separate short form complaints for each individual plaintiff and to follow any administrative protocols provided by the Court in this regard. The plaintiffs' steering committee also proposed that each short form complaint receive its own docket number. See dkt. no. 1150 (status report of 1/28/2016).

The Court then entered a separate order suggesting that it might be appropriate to assess a separate filing fee for each individual plaintiff in the *Mashburn* and *Campbell* cases once they were split up into separate cases, and it asked plaintiffs' counsel to comment. The Court has considered plaintiffs' objections to this proposal.

The plaintiffs in the *Mashburn* and *Campbell* cases did not file them in federal

court. Rather, they filed them in California state court. Based on the parties' submissions, and in the absence of any contrary evidence, it appears that the cases were properly filed in California state court as multiple-plaintiff cases, with a single filing fee. Defendants then elected to remove the cases to federal court. Under the circumstances, and particularly given the plaintiffs' choice of a state forum rather than federal court, the Court does not believe it appropriate to charge each individual plaintiff a separate federal filing fee.

The Court orders as follows:

1. Case No. 1:16-cv-1225 shall be closed, and no additional filings other than this order may be made under that docket number.
2. The Clerk shall assign each plaintiff in Case No. 1:16-cv-1225 a separate docket number and shall link each such case to MDL No. 2545, Case No. 1:14-cv-1748. A copy of this order shall be the "opening" document in each newly-opened case. The Clerk shall list the filing date as January 28, 2016. The Clerk shall notify the Judicial Panel on Multidistrict Litigation that each of the newly-opened cases was transferred to this District from the Central District of California under case number 2:16-cv-268.
3. Each plaintiff is given until April 8, 2016 to file a Short Form Complaint under the new docket number for the plaintiff's case, in conformity with Case Management Order No. 20 (Case No. 1:14-cv-1748, dkt. no. 667).
4. Each plaintiff must also file, together with the Short Form Complaint, a Civil Cover Sheet in accordance with this District's local rules. On line IX of the civil cover sheet, the plaintiff must indicate that it is filing a new case under MDL 2545. On line X of the civil cover sheet, the plaintiff must indicate that the case is a refiling of Case No. 1:16-cv-1225.
5. No filing fee will be due. Plaintiffs' counsel are advised that when the payment screen appears that asks, "Is this filed with an Application to Proceed without Prepayment of Fees? or Is this application filed on behalf of the USA?," counsel must click "Yes" in order to avoid being directed to pay.gov to pay a filing fee. It is important for counsel to follow this step to avoid the need to make a refund request later. Counsel may consult with the following representative of the Clerk's Office for guidance in this regard: Anita Baugard, Sarah McCarthy, or Tiana Davis.


MATTHEW F. KENNELLY
United States District Judge

Date: 3/11/2016
(amended 3/16/2016)